

## **NJ DEPARTMENT of ENVIRONMENTAL PROTECTION**

### **ENVIRONMENTAL REGULATION**

#### **DIVISION OF AIR QUALITY**

#### **Notice of Rule Proposal**

National Low Emission Vehicle (NLEV) and Heavy-Duty Diesel New Engine Standards Program, N.J.A.C. 7:27-26 and N.J.A.C. 7:27-28

#### **Public Notice**

Take notice that the NJ Department of Environmental Protection (Department) is proposing new rules and amendments to its rules regarding standards for new heavy-duty diesel engines. A statement of the substance of the proposal follows:

By this rulemaking, the Department is clarifying and supplementing existing requirements regarding the sale, for use or registration in New Jersey, of certain heavy-duty diesel vehicles (HDDVs) and heavy-duty diesel engines, model years 2007 and later (manufactured for use in HDDVs, only). The existing and proposed new and amended rules are based upon the California rules, which are, in turn, based upon the existing Federal rule. The existing New Jersey rules already address MY 2007 and later HDDEs and HDDVs. Nevertheless, since the Federal 2007 rule and the CARB 2007 rule include changes to the requirements underlying California Air Resource Board (CARB) certification (that is, emission standards and supplemental test procedures) beginning with MY 2007, the Department proposes to amend its rules and provide further explanation of those changes.

The Department proposes adding a prohibition of the practice known as "stockpiling" engines, that is, the generally-prohibited (by the USEPA and CARB) early purchase of vehicles and/or engines before the implementation of more stringent standards as a way to avoid purchasing these vehicles and engines a year or two later when the more stringent emission standards apply. The Department also proposes to add provisions that would require recordkeeping and reporting of the sale, for use in New Jersey, of MY 2007 and later HDDEs, but only in the event that the Federal 2007 requirements are not in effect.

This action is consistent with the Memorandum of Understanding into which New Jersey has entered with other members of the Ozone Transport Commission, committing to pursue such rulemaking. This rulemaking is also part of a national effort to support and, if necessary, continue in effect the currently promulgated federal standards for these heavy-duty diesel engines. This proposal also constitutes a proposed revision to New Jersey's State Implementation Plan (SIP) for 8-hour Ozone. A copy of the rule proposal has been forwarded to the USEPA.

The proposal is scheduled to be published in the New Jersey Register dated **December 20, 2004**. A copy of the proposal is available from the Department's web site at [www.state.nj.us/dep/agm](http://www.state.nj.us/dep/agm), the Department's Public Information Center at 401 E. State Street in Trenton, the Department's Regional Enforcement Offices, a number of public libraries throughout the State, and from Westlaw Publishing at 1-800-808-WEST. Be advised that there may be a fee for obtaining a copy of the proposal from some sources. For more information on obtaining copies, please contact:

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A public hearing concerning the rule proposal/proposed SIP revision is scheduled as follows:

**Friday, January 21, 2005 at 10:00 a.m.**  
NJ Department of Environmental Protection  
401 East State Street  
First Floor Public Hearing Room  
Trenton, New Jersey

Written comments may be submitted by close of business **February 18, 2005** to:

NJ Department of Environmental Protection  
Alice Previte, Esq.  
ATTN: DEP Docket # 29-04-11/455  
Office of Legal Affairs  
P.O. Box 402  
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